IV. 132 DECLARATION

Attached is the 132 Declaration of the inventor Richard C. Fuksa

PRACTITIONER'S DOCKET NO. 926512-101092 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	RICHARD C. FUKSA	ART UNIT: 3753
APPLICATION NO.:	10/752,651	CONFIRMATION NO. 4106
FILED:	01/07/2004	EXAMINER: CRAIG M. SAHNEIDER
FOR: PIN INSERT		

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

DECLARATION TRAVERSING REJECTION (37 C.F.R. 1.132)

PURPOSE OF DECLARATION

1. THIS DECLARATION IS TO ESTABLISH THAT MY INVENTION AS SET FORTH IN U.S.PATENT APPLICATION 11/752,651 IS NEITHER ANTICIPATED NOR OBVIOUS OVER THE CITED PRIOR ART.

2. I AM ONE OF THE THE INVENTORS OF U.S. PATENT APPLICATION 10/752,651.

3. I am fully experienced in the field of manufacturing valves for various pumps and the use of valve pin inserts and I am presently employed by the owner of this application.

4. I have read and understand the Wise U.S. Patent 3,621,868 and the Miller US Patent 6,627,527. The Examiner has stated that my claims 1 and 2 are obvious over Wise in view of Miller. As the Examiner has recognized, Wise which discloses valves for a face mask does not disclose a valve pin insert wherein the body has a lower shank at one end of the body and an upper shank adjacent to the lower shank, the lower shank being of a first diameter and the upper shank being of a second diameter, the first diameter being less than the second diameter and wherein between the lower shank and the upper shank of the body an undercut shoulder forms a recess opening in the direction toward the lower shank, the recess forming a tooth

that shears material of the valve plate as the pin is inserted into a hole in the valve plate and wherein said valve pin insert has an insert position, wherein when in said insert position said upper and lower shank are disposed in said valve plate.

The Miller patent does not disclose or suggest that Miller's invention, a dowel generally used for manufacturing or repairing furniture, can be used as a valve insert. There is no suggestion in Miller that Miller's dowel structure shown in Fig. 4B forms a tooth that shears material as the dowel is inserted in a preformed hole. As miller clearly shows in Fig. 3 the hole is constructed to the shape of the dowel. This is further acknowledged by Miller in Column 6 lines 20-23.

5. It would not be obvious to me, a person skilled in the art nor do I believe to anyone having ordinary skill in the valve pin insert art from reading and understanding U.S. Patents 3,621,868 and 6,267,527 to arrive at my valve pin insert wherein the body has a lower shank at one end of the body and an upper shank adjacent to the lower shank, the lower shank being of a first diameter and the upper shank being of a second diameter, the first diameter being less than the second diameter and wherein between the lower shank and the upper shank of the body an undercut shoulder forms a recess opening in the direction toward the lower shank, the recess forming a tooth that shears material of the valve plate as the pin is inserted into a hole in the valve plate and wherein said valve pin insert has an insert position, wherein when in said insert position said upper and lower shank are disposed in said valve plate and the valve insert is fixedly connected to the valve plate.

6. I have read and understand the Wise U.S. Patent 3,621,868 and the Miller US Patent 6,627,527 and the Kawaguchi et al U.S. Publication 2003/0181560. The Examiner has stated that my claim 3 is obvious over Wise in view of Miller for the reasons set forth in his rejection of claim 1 and further in view of Kawaguchi et al who discloses the chemical PEEK. It must be recognized that I am not claiming to be the inventor of PEEK or the compositions claimed by Kawaguchi et al . However I am the inventor of the valve pin insert as claimed in claim 1 wherein the valve pin insert is made of PEEK. As noted above Wise and Miller do not teach or suggest my invention and Kawaguchi et al does not suggest the use of a PEEK valve pin insert having the structure of my claim 1. My invention is the only suggestion for claim 3.

7. It would not be obvious to me, a person skilled in the art nor do I believe to anyone having ordinary skill in the valve pin insert art from reading and understanding U.S. Patents 3,621,868 and 6,267,527 and U.S. Publication 2003/0181560 to arrive at my **PEEK** valve pin insert wherein the body has a lower shank at one end of the body and an upper shank adjacent to the lower shank, the lower shank being of a first diameter and the upper shank being of a second diameter, the first diameter being less than the second diameter and wherein between the lower shank and the upper shank of the body an undercut shoulder forms a recess opening in the direction toward the lower shank, the recess forming a tooth that shears material of the valve plate as the pin is inserted into a hole in the valve plate and wherein said valve pin insert has an insert position, wherein when in said insert position said upper and lower shank are disposed in said valve plate and the valve pin insert is fixedly connected to the valve plate.

8. I have read and understand the Wise U.S. Patent 3,621,868 and the Miller US Patent 6,627,527 and the Malloy et al U.S. Patent 4,146,206. The Examiner has stated that my claim 4 is obvious over Wise in view of Miller for the reasons set forth in his rejection of claim 1 and further in view of Malloy et al who discloses a valve seat liner made of PTFE. It must be recognized that I am not claiming to be the inventor of a PTFE valve seat or a valve seat liner made of PTFE. However I am the inventor of the valve pin insert as claimed in claim 1 wherein the valve plate is made of PTFE. As noted above Wise and Miller do not teach or suggest my invention of using my valve pin insert with a PTFE valve plate. As should be noted, Malloy et al has dowels 30 and 31 that are not inserted into PTFE. My invention is the only suggestion for claim 4.

9. It would not be obvious to me, a person skilled in the art nor do I believe to anyone having ordinary skill in the valve pin insert art from reading and understanding U.S. Patents 3,621,868 and 6,267,527 and U.S. Patent 4,146,206 to arrive at my valve pin insert wherein the body has a lower shank at one end of the body and an upper shank adjacent to the lower shank, the lower shank being of a first diameter and the upper shank being of a second diameter, the first diameter being less than the second diameter and wherein between the lower shank and the upper shank of the body an undercut shoulder forms a recess opening in

the direction toward the lower shank, the recess forming a tooth that shears material of the valve plate as the pin is inserted into a hole in the valve plate and wherein said valve pin insert has an insert position, wherein when in said insert position said upper and lower shank are disposed in said valve plate and the valve pin insert is fixedly connected to the valve plate and wherein the valve plate is made of PTFE.

10. I have read and understand the Wise U.S. Patent 3,621,868 and the Miller US Patent 6,627,527 and the Runge U.S. Patent 4,182,217. The Examiner has stated that my claim 5 is obvious over Wise in view of Miller for the reasons set forth in his rejection of claim 1 and further in view of Runge who discloses a molded molybolt device. Runge does not relate or suggest valve pin inserts. It must be recognized that I am not claiming to be the inventor of molding nor the molybolts of Runge. However I am the inventor of the valve pin insert as claimed in claim 4. Wise and Miller do not teach or suggest my invention as stated above and Runge does not disclose that the valve pin insert of Wise or that any valve pin should have an undercut shoulder. My invention is the only suggestion for claim 5.

11. It would not be obvious to me, a person skilled in the art nor do I believe to anyone having ordinary skill in the valve pin insert art from reading and understanding U.S. Patents 3,621,868 and 6,267,527 and U.S. Patent 4,182,217 to arrive at my valve pin insert wherein the body has a lower shank at one end of the body and an upper shank adjacent to the lower shank, the lower shank being of a first diameter and the upper shank being of a second diameter, the first diameter being less than the second diameter and wherein between the lower shank and the upper shank of the body a molded undercut shoulder forms a recess opening in the direction toward the lower shank, the recess forming a tooth that shears material of the valve plate as the pin is inserted into a hole in the valve plate and wherein said valve pin insert has an insert position, wherein when in said insert position said upper and lower shank are disposed in said valve plate and the valve pin insert is fixedly connected to the valve plate.

12. I have read and understand the Wise U.S. Patent 3,621,868 and the Miller US Patent 6,627,527 and the Kindt U.S. Patent 2,221,141. The Examiner has stated that my claim 6 is obvious over Wise in view of Miller for the reasons set forth in his rejection of claims 1 and 2

and further in view of Kindt. It must be recognized that I am not claiming to be the inventor of screw dowel pins nor the use of machining for screw dowel pins, as shown in Kindt. Kindt does not disclose or suggest that his dowel pin should be used as a valve pin insert, or that a valve pin of Wise should have a machined undercut, or the dowels of Miller should be reconstrusted as his screw dowel pin. Wise and Miller do not teach or suggest my invention for the same reasons stated above. My invention is the only suggestion for claim 6.

13. It would not be obvious to me, a person skilled in the art nor do I believe to anyone having ordinary skill in the valve pin insert art from reading and understanding U.S. Patents 3,621,868 and 6,267,527 and U.S. Patent 2,221,141 to arrive at my valve pin insert wherein the body has a lower shank at one end of the body and an upper shank adjacent to the lower shank, the lower shank being of a first diameter and the upper shank being of a second diameter, the first diameter being less than the second diameter and wherein between the lower shank and the upper shank of the body a machined undercut shoulder forms a recess opening in the direction toward the lower shank, the recess forming a tooth that shears material of the valve plate as the pin is inserted into a hole in the valve plate and wherein said valve pin insert has an insert position, wherein when in said insert position said upper and lower shank are disposed in said valve plate and the valve insert is fixedly connected to the valve plate.

14. I have read and understand the Wise U.S. Patent 3,621,868 and the Miller US Patent 6,627,527 and the Hinkel U.S. Patent 6,435,758. The Examiner has stated that my claim 7 is obvious over Wise in view of Miller for the reasons set forth in his rejection of claims 1 and 2 and further in view of Hinkel who discloses a torque converter coupling 64 having an undercut shoulder. There is no suggestion that any of the structures for Hinkel should be used for a valve insert pin. It must be recognized that I am not claiming to be the inventor of undercutting in general. However I am the inventor of the valve pin insert as claimed in claim 7. Wise and Miller do not teach or suggest my invention as stated above Hinkle does not disclose that the dowel of Miller or the valve stem of Wise should be manufactured to conform to his torque converter coupling. My invention is the only suggestion for claim 7.

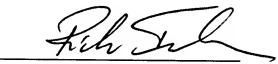
15. It would not be obvious to me, a person skilled in the art nor do I believe to anyone having ordinary skill in the valve pin insert art readng and understanding U.S. Patents 3,621,868 and 6,267,527 and U.S. Patent 6,435,758, to arrive at my valve pin insert wherein the body has a lower shank at one end of the body and an upper shank adjacent to the lower shank, the lower shank being of a first diameter and the upper shank being of a second diameter, the first diameter being less than the second diameter and wherein between the lower shank and the upper shank of the body an undercut shoulder forms a recess opening in the direction toward the lower shank, the recess forming a tooth that shears material of the valve plate as the pin is inserted into a hole in the valve plate and wherein said valve pin insert has an insert position, wherein when in said insert position said upper and lower shank are disposed in said valve plate and the valve insert is fixedly connected to the valve plate.

16. I have read and understand the Wise U.S. Patent 3,621,868 and the Miller US Patent 6,627,527 and of course Exhibit A. The Examiner has stated that my claim 8 is obvious over Wise in view of Miller for the reasons set forth in his rejection of claims 1 and 2 and further in view of Exhibit A which disclosed a valve pin insert that does not have the structure of our claim 1. It must be recognized that I am not claiming to be the inventor of a valve pin having a stud extending axially outwardly from the body. However I am the inventor of the valve pin insert as claimed in claim 1 which includes (claim 8) -having a stud extending axially outwardly from the body. Wise and Miller do not teach or suggest my invention as stated above and Exhibit A does not disclose that the dowel of Miller should have a stud extending axially outwardly from the body. In fact it appears that if such a stud was put on the Miller dowel this would be contrary to the purpose of Miller's invention. My invention is the only suggestion for claim 8.

17. I declare that all the statements made herein of my own knowledge are true and that all the statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of application 10/752,651 or any patent issued thereon.

SIGNATURE

FULL NAME OF FIRST INVENTOR RICHARD C. FUKSA

INVENTOR'S SIGNATURE 

DATE 12/18/06